

1 ARIEL STERN, ESQ.
Nevada Bar No. 8276
2 NATALIE L. WINSLOW, ESQ.
Nevada Bar No. 12125
3 PAIGE L. MAGASTER, ESQ.
Nevada Bar No. 15557
4 Akerman LLP
1635 Village Center Circle, Suite 200
5 Las Vegas, Nevada 89134
Telephone: (702) 634-5000
6 Facsimile: (702) 380-8572
Email: ariel.stern@akerman.com
7 Email: natalie.winslow@akerman.com
Email: paige.magaster@akerman.com
8

*Attorneys for NewRez LLC f/k/a New Penn
9 Financial d/b/a Shellpoint Mortgage Servicing*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 TEAL PETALS ST TRUST,

13 Plaintiff,

14 vs.

15 NEWREZ LLC f/k/a NEW PENN FINANCIAL
d/b/a SHELLPOINT MORTGAGE
16 SERVICING; a foreign limited liability
company; and DOE individuals I through XX;
17 and ROE CORPORATIONS I through XX,

18 Defendants.

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20 NEWREZ LLC f/k/a NEW PENN FINANCIAL
d/b/a SHELLPOINT MORTGAGE
21 SERVICING,

22 Counter-claimant,

23 vs.

24 TEAL PETALS ST TRUST; DOES I through X,
inclusive; and ROE CORPORATIONS I through
25 X, inclusive,

26 Counter-defendants.
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Case No.: 2:22-cv-00395-JAD-DJA

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO AMEND
PLEADINGS OR ADD PARTIES**

(SECOND REQUEST)

1 Teal Petals St Trust (**the Trust**) and NewRez LLC f/k/a New Penn Financial d/b/a Shellpoint
2 Mortgage Servicing (**Shellpoint**) stipulate to extend the deadline to amend pleadings or add parties for
3 two (2) weeks from June 2, 2023, to **June 16, 2023**.

4 The parties previously agreed to stay discovery deadlines pending the outcome of a chapter 11
5 bankruptcy. [ECF No. 18.] The court approved the parties' stipulation and ordered discovery stayed.
6 [ECF No. 19.] The automatic stay in the chapter 11 bankruptcy was subsequently annulled and the
7 bankruptcy matter is now closed. [See ECF No. 22.] The court extended discovery deadlines upon
8 lifting the discovery stay in this case. [ECF No. 23.]

9 Good cause exists pursuant to LR 26-3 for a second extension of the deadline to amend
10 pleadings or add parties. Foreclosure pursuant recently occurred on May 17, 2023. Saticoy Bay LLC
11 Series 9863 Dublin Valley St made the winning bid at the foreclosure sale. Shellpoint extended a
12 settlement offer prior to foreclosure. The Trust did not accept Shellpoint's offer. Shellpoint revisited
13 settlement negotiations post-foreclosure, but the parties are unable to resolve this matter through
14 settlement at this time. Shellpoint wishes to amend its counterclaims to include allegations regarding
15 the bankruptcy action that resulted in a discovery stay in this case as well as the recent deed of trust
16 foreclosure sale. The parties are currently discussing the Trust's possible stipulation to amendment
17 pending review of the proposed amended counterclaims.

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The parties jointly request an extension of the deadline to amend the pleadings by two weeks so that they may either stipulate to the contemplated amendment or Shellpoint may move the court for leave to amend. The parties' extension request being made less than twenty-one days prior to the expiration of the amendment deadline is the result of excusable neglect because the foreclosure sale did not occur until May 17, 2023, and the parties only recently determined this matter cannot be resolved through settlement at this time.

DATED this 2nd day of June, 2023.

Akerman LLP	Law Offices of Roger P. Croteau
<u>/s/ Paige L. Magaster</u> ARIEL STERN, ESQ. Nevada Bar No. 8276 NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125 PAIGE L. MAGASTER, ESQ. Nevada Bar No. 15557 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134 <i>Attorneys for NewRez LLC f/k/a New Penn Financial d/b/a Shellpoint Mortgage Servicing</i>	<u>/s/ Christopher L. Benner</u> ROGER P. CROTEAU, ESQ. Nevada Bar No. 4958 CHRISTOPHER L. BENNER, ESQ. Nevada Bar No. 8963 2810 W. Charleston Boulevard, Suite 75 Las Vegas, NV 89102 <i>Attorney for Teal Petals St Trust</i>

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATED: June 5, 2023